

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREW R. MAY, On Behalf of Himself and All) Civil No. 1:07-CV-04819-CM
Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.)
TELIK, INC., MICHAEL M. WICK, CYNTHIA M.)
BUTITTA, UBS SECURITIES LLC, LEHMAN)
BROTHERS HOLDINGS, INC., BEAR, STEARNS &)
CO., INC., NEEDHAM & COMPANY, INC.,)
LAZARD FRERES & CO. LLC, FORTIS)
SECURITIES, INC. and J.P. MORGAN SECURITIES,)
INC)
Defendants.)

KEVIN HENNESSY, Individually and On Behalf of) Civil No. 1:07-CV-5707-CM
All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.)
TELIK, INC., MICHAEL M. WICK, CYNTHIA)
M. BUTITTA, UBS SECURITIES LLC, LEHMAN)
BROTHERS HOLDINGS, INC. and J.P. MORGAN)
SECURITIES, INC.)
Defendants.)

**DECLARATION OF JAMES M. EVANGELISTA IN SUPPORT OF THE
MOTION OF ERSTE-SPARINVEST KAPITALANLAGEGESELLSCHAFT
M.B.H. FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF,
AND APPROVAL OF ITS SELECTION OF COUNSEL**

James M. Evangelista declares under penalty of perjury this 6th Day of August, 2007:

1. I am a Member of the law firm of Motley Rice LLC. I submit this declaration in support of the Motion of Erste-Sparinvest Kapitalanlagegesellschaft m.b.H. (“Erste-Sparinvest”) for Consolidation, Appointment as Lead Plaintiff, and Approval of Its Selection of Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of the signed certification of Erste-Sparinvest, pursuant to the requirements of the Private Securities Litigation Reform Act (“PSLRA”) of 1995. See 15 U.S.C. § 78u-4(a)(2).

3. Attached hereto as Exhibit B is a true and correct copy of the notice to class members concerning the first-filed action that was published June 6, 2007, on Business Wire advising the public of the pendency of a class action filed on behalf of shareholders of Telik, Inc. (“Telik”).

4. Attached hereto as Exhibit C is a chart showing Erste-Sparinvest’s calculation of its financial interest in the relief sought.

5. Attached hereto as Exhibit D is a true and correct copy of the firm biography of Motley Rice LLC, proposed Lead Counsel.

6. Attached hereto as Exhibit E is a true and correct copy of the firm biography of Lieff, Cabraser, Heimann & Bernstein, LLP, proposed Liaison Counsel.

7. Attached hereto as Exhibit F-1 though F-3 is a compendium of cases in which foreign investors have been appointed lead plaintiff in securities class actions, cited in Erste-Sparinvest’s Memorandum of Law, footnote 7.

8. Attached hereto as Exhibit G is the Lead Plaintiff Order in In re NPS Pharm., Inc. Sec. Litig., No. 2:06-cv-00570-PGC-PWM (D. Utah Nov. 17, 2006).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 6, 2007



James M. Evangelista